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97TH CONGRESS  
1ST SESSION

# H. R. 3518

To authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

May 12, 1981

Mr. FASCELL (for himself, Mr. BINGHAM, Mr. YATRON, Mr. BONKER, Mr. SOLARZ, Mr. MICA, Mr. WOLPE, Mr. BARNES, Mr. BROOMFIELD, Mr. DERWINSKI, Mr. PRITCHARD, and Mr. LEACH of Iowa) introduced the following bill; which was referred to the Committee on Foreign Affairs

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## A BILL

To authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3               **TITLE I—DEPARTMENT OF STATE**

4                       **SHORT TITLE**

5       **SEC. 101.** This title may be cited as the “Department of  
6       State Authorization Act, Fiscal Years 1982 and 1983”.

## 1                   AUTHORIZATIONS OF APPROPRIATIONS

2           SEC. 102. There are authorized to be appropriated for  
3 the Department of State to carry out the authorities, func-  
4 tions, duties, and responsibilities in the conduct of the foreign  
5 affairs of the United States and other purposes authorized by  
6 law, the following amounts:

7           (1) For "Administration of Foreign Affairs",  
8       \$1,318,754,000 for the fiscal year 1982 and  
9       \$1,744,391,000 for the fiscal year 1983.

10          (2) For "International Organizations and Confer-  
11       ences", \$563,806,000 for the fiscal year 1982 and  
12       \$554,436,000 for the fiscal year 1983.

13          (3) For "International Commissions",  
14       \$22,508,000 for the fiscal year 1982 and \$24,759,000  
15       for the fiscal year 1983.

16          (4) For "Migration and Refugee Assistance",  
17       \$553,100,000 for the fiscal year 1982 and  
18       \$555,600,000 for the fiscal year 1983.

## 19                   PALESTINIAN RIGHTS UNITS

20       SEC. 103. Funds appropriated under paragraph (2) of  
21 section 102 of this Act may not be used for payment by the  
22 United States, as its contribution toward the assessed budget  
23 of the United Nations for any year, of any amount which  
24 would cause the total amount paid by the United States as its

1 assessed contribution for that year to exceed the amount as-  
2 sessed as the United States contribution for that year less—

3 (1) 25 per centum of the amount budgeted for that  
4 year for the Committee on the Exercise of the Inalien-  
5 able Rights of the Palestinian People (or any similar  
6 successor entity), and

7 (2) 25 per centum of the amount budgeted for that  
8 year for the Special Unit on Palestinian Rights (or any  
9 similar successor entity).

10. EX GRATIA PAYMENT

11 SEC. 104. Of the amount appropriated for the fiscal year  
12 1982 under paragraph (1) of section 102 of this Act, \$81,000  
13 shall be available for payment ex gratia to the Government of  
14 Yugoslavia as an expression of concern by the United States  
15 Government for the injuries sustained by a Yugoslav national  
16 as a result of an attack on him in New York City.

17 ASSISTANCE FOR REFUGEES SETTLING IN ISRAEL

18 SEC. 105. Of the amounts authorized to be appropriated  
19 by paragraph (4) of section 102 of this Act, \$12,500,000 for  
20 the fiscal year 1982 and \$15,000,000 for the fiscal year  
21 1983 shall be available only for assistance for the resettle-  
22 ment in Israel of refugees from the Union of Soviet Socialist  
23 Republics and from Communist countries in Eastern Europe.

## 1 BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

2 SEC. 106. In addition to the amounts authorized to be  
3 appropriated by section 102 of this Act, there are authorized  
4 to be appropriated to the Secretary of State \$3,700,000 for  
5 the fiscal year 1982 and \$3,700,000 for the fiscal year 1983  
6 for payment of the United States share of expenses of the  
7 science and technology agreements between the United  
8 States and Yugoslavia and between the United States and  
9 Poland.

## 10 CURRENCY FLUCTUATIONS

11 SEC. 107. (a) Section 24(b) of the State Department  
12 Basic Authorities Act of 1956 (22 U.S.C. 2696(b)), is amend-  
13 ed to read as follows:

14 “(b)(1) In order to maintain the levels of program activi-  
15 ty provided for each fiscal year by the annual authorizing  
16 legislation for the Department of State, there are authorized  
17 to be appropriated for the Department such sums as may be  
18 necessary to offset adverse fluctuations in foreign currency  
19 exchange rates, or overseas wage and price changes, which  
20 occur after November 30 of the calendar year preceding the  
21 enactment of the authorizing legislation for such fiscal year.

22 “(2) In order to eliminate substantial gains to the ap-  
23 proved levels of overseas operations, the Secretary of State  
24 may transfer to the appropriation account established under  
25 paragraph (1) of this subsection such amounts in other appro-

1 priation accounts under the heading 'Administration of For-  
2 eign Affairs' as the Secretary determines are excessive to the  
3 needs of the approved level of operations because of fluctu-  
4 ations in foreign currency exchange rates or changes in over-  
5 seas wages and prices.

6       “(3) Funds transferred from the appropriation account  
7 established under paragraph (1) shall be merged with and be  
8 available for the same purpose, and for the same time period,  
9 as the appropriation account to which transferred; and funds  
10 transferred to the appropriation account established under  
11 paragraph (1) shall be merged with and available for the pur-  
12 poses of that appropriation account until expended. Any re-  
13 striction contained in an appropriation Act or other provision  
14 of law limiting the amounts available for the Department of  
15 State that may be obligated or expended shall be deemed to  
16 be adjusted to the extent necessary to offset the net effect of  
17 fluctuations in foreign currency exchange rates or overseas  
18 wage and price changes in order to maintain approved  
19 levels.”.

20       (b) Section 704(c) of the United States Information and  
21 Educational Exchange Act of 1948 (22 U.S.C. 1477b(c)) is  
22 amended by striking out “preceding” and inserting in lieu  
23 thereof “calendar year preceding the enactment of the  
24 authorizing legislation for such”.

1 (c) Section 8(a)(2) of the Board for International Broad-  
2 casting Act of 1973 (22 U.S.C. 2287(a)(2)) is amended by  
3 striking out "preceding" in the first sentence and inserting in  
4 lieu thereof "calendar year preceding the enactment of the  
5 amendments to paragraph (1) which provide the authoriza-  
6 tion for such".

7 (d) The amendments made by this section shall take  
8 effect on October 1, 1981.

9 PASSPORT FEES AND PERIOD OF VALIDITY

10 SEC. 108. (a) The first sentence of section 1 under the  
11 heading "FEES FOR PASSPORTS AND VISÉS" of the Act of  
12 June 4, 1920 (22 U.S.C. 214), is amended to read as follows:  
13 "There shall be collected and paid into the Treasury of the  
14 United States a fee, prescribed by the Secretary of State by  
15 regulation, for each passport issued and a fee, prescribed by  
16 the Secretary of State by regulation, for executing each ap-  
17 plication for a passport."

18 (b)(1) Section 2 of the Act entitled "An Act to regulate  
19 the issue and validity of passports, and for other purposes",  
20 approved July 3, 1926 (22 U.S.C. 217a), is amended to read  
21 as follows:

22 "SEC. 2. A passport shall be valid for a period of ten  
23 years from the date of issue, except that the Secretary of  
24 State may limit the validity of a passport to a period of less

1 than ten years in an individual case or on a general basis  
2 pursuant to regulation.”.

3 (2) The amendment made by this subsection applies  
4 with respect to passports issued after the date of enactment  
5 of this Act.

6 DOCUMENTATION OF CITIZENSHIP

7 SEC. 109. The State Department Basic Authorities Act  
8 of 1956 is amended by inserting the following new section 33  
9 immediately after section 32 and by redesignating existing  
10 section 33 as section 34:

11 “SEC. 33. The following documents shall have the same  
12 force and effect as proof of United States citizenship as certifi-  
13 cates of naturalization or of citizenship issued by the Attor-  
14 ney General or by a court having naturalization jurisdiction:

15 “(1) A passport, during its period of validity (if  
16 such period is the maximum period authorized by law),  
17 issued by the Secretary of State to a citizen of the  
18 United States.

19 “(2) The report, designated as a ‘Report of Birth  
20 Abroad of a Citizen of the United States’, issued by a  
21 consular officer to document a citizen born abroad.”.

22 PAN AMERICAN INSTITUTE OF GEOGRAPHY AND HISTORY

23 SEC. 110. Paragraph (1) of the first section of the joint  
24 resolution entitled “Joint resolution to provide for member-  
25 ship of the United States in the Pan American Institute of

1 Geography and History; and to authorize the President to  
2 extend an invitation for the next general assembly of the in-  
3 stitute to meet in the United States in 1935, and to provide  
4 an appropriation for expenses thereof", approved August 2,  
5 1935 (22 U.S.C. 273), is amended by striking out ", not to  
6 exceed \$200,000 annually,".

7 INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF  
8 PRIVATE LAW AND THE HAGUE CONFERENCE ON PRI-  
9 VATE INTERNATIONAL LAW

10 SEC. 111. Section 2 of the joint resolution entitled  
11 "Joint resolution to provide for participation by the Govern-  
12 ment of the United States in the Hague Conference on Pri-  
13 vate International Law and the International (Rome) Insti-  
14 tute for the Unification of Private Law, and authorizing ap-  
15 propriations therefor", approved December 30, 1963 (22  
16 U.S.C. 269g-1), is amended by striking out ", except that"  
17 and all that follows through "that year".

18 PAN AMERICAN RAILWAY CONGRESS

19 SEC. 112. Section 2(a) of the joint resolution entitled  
20 "Joint resolution providing for participation by the Govern-  
21 ment of the United States in the Pan American Railway  
22 Congress, and authorizing an appropriation therefor", ap-  
23 proved June 28, 1948 (22 U.S.C. 280k), is amended by  
24 striking out "Not more than \$15,000 annually" and inserting  
25 in lieu thereof "Such sums as may be necessary".



1     UNITED STATES REPRESENTATIVE TO INTERNATIONAL  
2                     ORGANIZATIONS IN VIENNA

3         SEC. 113. Section 2 of the United Nations Participation  
4 Act of 1945 (22 U.S.C. 287) is amended by adding at the  
5 end thereof the following new subsection:

6         “(h) The President, by and with the advice and consent  
7 of the Senate, shall appoint a representative of the United  
8 States to the Vienna office of the United Nations with appro-  
9 priate rank and status, who shall serve at the pleasure of the  
10 President and subject to the direction of the Secretary of  
11 State. Such individual shall, at the direction of the Secretary  
12 of State, represent the United States at the Vienna office of  
13 the United Nations and perform such other functions there in  
14 connection with the participation of the United States in in-  
15 ternational organizations as the Secretary of State from time  
16 to time may direct.”.

17         LIVING QUARTERS FOR THE STAFF OF THE UNITED  
18         STATES REPRESENTATIVE TO THE UNITED NATIONS

19         SEC. 114. Section 8 of the United Nations Participation  
20 Act of 1945 (22 U.S.C. 287e) is amended—

21             (1) by striking out “representative of the United  
22 States to the United Nations referred to in paragraph  
23 (a) of section 2 hereof” and inserting in lieu thereof  
24 “representatives provided for in section 2 of this Act  
25 and of their appropriate staffs”; and

1 (2) by adding at the end thereof the following:  
2 "Any payments made by United States Government  
3 personnel for occupancy by them of living quarters  
4 leased or rented under this section shall be credited to  
5 the appropriation, fund, or account utilized by the Sec-  
6 retary of State for such lease or rental or to the appro-  
7 priation, fund, or account currently available for such  
8 purpose."

9 AMENDMENTS CORRECTING PRINTING ERRORS

10 SEC. 115. The Foreign Service Act of 1980 is amend-  
11 ed—

12 (1) in section 704(b)(2) (22 U.S.C. 4024(b)(2)) by  
13 striking out "411" and inserting in lieu thereof "412";  
14 and

15 (2) in section 814(a)(3) (22 U.S.C. 4054(a)(3)) by  
16 striking out "on" the second place it appears in the  
17 first sentence and inserting in lieu thereof "or".

18 PRIVATE SECTOR REPRESENTATIVES ON UNITED STATES  
19 DELEGATIONS TO INTERNATIONAL TELECOMMUNICA-  
20 TIONS MEETINGS AND CONFERENCES

21 SEC. 116. (a) Sections 203, 205, 207, and 208 of title  
22 18, United States Code, shall not apply to a private sector  
23 representative on the United States delegation to an interna-  
24 tional telecommunications meeting or conference who is spe-  
25 cifically designated to speak on behalf of or otherwise repre-

1 sent the interests of the United States at such meeting or  
2 conference with respect to a particular matter, if the Secre-  
3 tary of State (or his designee) certifies that no Government  
4 employee on the delegation is as well qualified to represent  
5 United States interests with respect to such matter and that  
6 such designation serves the national interest. All such repre-  
7 sentatives shall have on file with the Department of State the  
8 financial disclosure report required for special Government  
9 employees.

10 (b) As used in this section, the term "international tele-  
11 communications meeting or conference" means the confer-  
12 ences of the International Telecommunications Union, meet-  
13 ings of its International Consultative Committees for Radio  
14 and for Telephone and Telegraph, and such other interna-  
15 tional telecommunications meetings or conferences as the  
16 Secretary of State may designate.

17 PROCUREMENT CONTRACTS

18 SEC. 117. The State Department Basic Authorities Act  
19 of 1956 is amended by inserting the following new section  
20 immediately after section 13:

21 "SEC. 14. (a) Any contract for the procurement of prop-  
22 erty or services, or both, for the Department of State or the  
23 Foreign Service which is funded on the basis of annual ap-  
24 propriations may nevertheless be made for periods not in  
25 excess of five years when—

1           “(1) appropriations are available and adequate for  
2           payment for the first fiscal year and for all potential  
3           cancellation costs; and

4           “(2) the Secretary of State determines that—

5                   “(A) the need of the Government for the  
6                   property or service being acquired over the period  
7                   of the contract is reasonably firm and continuing;

8                   “(B) such a contract will serve the best in-  
9                   terests of the United States by encouraging effec-  
10                  tive competition or promoting economies in per-  
11                  formance and operation; and

12                  “(C) such a method of contracting will not  
13                  inhibit small business participation.

14           “(b) In the event that funds are not made available for  
15           the continuation of such a contract into a subsequent fiscal  
16           year, the contract shall be cancelled and any cancellation  
17           costs incurred shall be paid from appropriations originally  
18           available for the performance of the contract, appropriations  
19           currently available for the acquisition of similar property or  
20           services and not otherwise obligated, or appropriations made  
21           for such cancellation payments.”.

22           COMPENSATION FOR DISABILITY OR DEATH

23           SEC. 118. The State Department Basic Authorities Act  
24           of 1956 is amended by inserting the following new section  
25           immediately after section 15:

1       “SEC. 16. The first section of the Act of August 16,  
2 1941 (42 U.S.C. 1651; commonly known as the Defense  
3 Base Act) shall not apply with respect to such contracts as  
4 the Secretary of State may determine which are contracts  
5 with persons employed to perform work for the Department  
6 of State or the Foreign Service on an intermittent basis for  
7 not more than 90 days in a calendar year.”.

8                       REGULATION OF FOREIGN MISSIONS

9       SEC. 119. (a) The State Department Basic Authorities  
10 Act of 1956 is amended by striking out “That the Secretary”  
11 in the first section and inserting in lieu thereof the following:

12       “TITLE I—BASIC AUTHORITIES GENERALLY

13       “SECTION 1. The Secretary”.

14       (b) That Act is further amended by adding at the end  
15 thereof the following:

16       “TITLE II—AUTHORITIES RELATING TO THE  
17               REGULATION OF FOREIGN MISSIONS

18       “DECLARATION OF FINDINGS AND POLICY

19       “SEC. 201. (a) The Congress finds that the operation in  
20 the United States of foreign missions and public international  
21 organizations and the official missions to such organizations,  
22 including the permissible scope of their activities and the lo-  
23 cation and size of their facilities, is a proper subject for the  
24 exercise of Federal jurisdiction.

1       “(b) The Congress declares that it is the policy of the  
2 United States to support the secure and efficient operation of  
3 United States missions abroad, to facilitate the secure and  
4 efficient operation in the United States of foreign missions  
5 and public international organizations and the official mis-  
6 sions to such organizations, and to assist in obtaining appro-  
7 priate benefits, privileges, and immunities for those missions  
8 and organizations and to require their observance of corre-  
9 sponding obligations in accordance with international law.

10       “(c) The assistance to be provided to a foreign mission  
11 in the United States shall be determined after due considera-  
12 tion of the benefits, privileges, and immunities provided to  
13 missions of the United States in the country or territory rep-  
14 resented by that foreign mission.

15                               “DEFINITIONS

16       “SEC. 202. (a) For purposes of this title—

17               “(1) ‘benefit’ (with respect to a foreign mission)  
18 means any acquisition, or authorization for an acquisi-  
19 tion, in the United States by or for a foreign mission,  
20 including the acquisition of—

21                       “(A) real property by purchase, lease, ex-  
22 change, construction, or otherwise,

23                       “(B) public services, including services relat-  
24 ing to customs, importation, and utilities, and the

1 processing of applications or requests relating to  
2 public services,

3 “(C) supplies, maintenance, and transporta-  
4 tion,

5 “(D) locally engaged staff on a temporary or  
6 regular basis,

7 “(E) travel and related services, and

8 “(F) protective services,

9 and includes such other benefits as the Secretary may  
10 designate;

11 “(2) ‘chancery’ means the principal offices of a  
12 foreign mission used for diplomatic or related purposes,  
13 and annexes to such offices (including ancillary offices  
14 and support facilities), and includes the site and any  
15 building on such site which is used for such purposes;

16 “(3) ‘Director’ means the Director of the Office of  
17 Foreign Missions established pursuant to section  
18 203(a);

19 “(4) ‘foreign mission’ means any official mission to  
20 the United States involving diplomatic, consular, or  
21 other governmental activities of—

22 “(A) a foreign government, or

23 “(B) an organization (other than an interna-  
24 tional organization, as defined in section 209(b) of  
25 this title) representing a territory or political

1           entity which has been granted diplomatic or other  
2           official privileges and immunities under the laws  
3           of the United States,

4           including any real property of such a mission and in-  
5           cluding the personnel of such a mission;

6           “(5) ‘real property’ includes any right, title, or in-  
7           terest in or to, or the beneficial use of, any real prop-  
8           erty in the United States, including any office or other  
9           building;

10          “(6) ‘Secretary’ means the Secretary of State;

11          “(7) ‘sending State’ means the foreign govern-  
12          ment, territory, or political entity represented by a for-  
13          eign mission; and

14          “(8) ‘United States’ means, when used in a geo-  
15          graphic sense, the several States, the District of Co-  
16          lumbia, the Commonwealth of Puerto Rico, and the  
17          territories and possessions of the United States.

18          “(b) Determinations with respect to the meaning and  
19          applicability of the terms used in subsection (a) shall be com-  
20          mitted to the discretion of the Secretary.

21                           “OFFICE OF FOREIGN MISSIONS

22          “SEC. 203. (a) The Secretary shall establish an Office of  
23          Foreign Missions as an independent office within the Depart-  
24          ment of State. The Office shall be headed by a Director,  
25          appointed by the Secretary, who shall perform his or her



1 functions under the supervision and direction of the Secre-  
2 tary. The Secretary may delegate this authority for supervi-  
3 sion and direction of the Director only to the Deputy Secre-  
4 tary of State or an Under Secretary of State.

5 “(b) The Secretary may authorize the Director to—

6 “(1) assist agencies of Federal, State, and munici-  
7 pal government with regard to ascertaining and ac-  
8 cording benefits, privileges, and immunities to which a  
9 foreign mission may be entitled;

10 “(2) provide or assist in the provision of benefits  
11 for or on behalf of a foreign mission in accordance with  
12 section 204; and

13 “(3) perform such other functions as the Secretary  
14 may determine necessary in furtherance of the policy of  
15 this title.

16 “PROVISION OF BENEFITS

17 “SEC. 204. (a) Upon the request of a foreign mission,  
18 benefits may be provided to or for that foreign mission by or  
19 through the Director on such terms and conditions as the  
20 Secretary may approve.

21 “(b) If the Secretary determines that such action is rea-  
22 sonably necessary on the basis of reciprocity or otherwise—

23 “(1) to facilitate relations between the United  
24 States and a sending State,

25 “(2) to protect the interests of the United States,

1           “(3) to adjust for costs and procedures of obtain-  
2       ing benefits for missions of the United States abroad,  
3       or

4           “(4) to assist in resolving a dispute affecting  
5       United States interests and involving a foreign mission  
6       or sending State,

7       then the Secretary may require a foreign mission (A) to  
8       obtain benefits from or through the Director on such terms  
9       and conditions as the Secretary may approve, or (B) to  
10      comply with such terms and conditions as the Secretary may  
11      determine as a condition to the execution or performance in  
12      the United States of any contract or other agreement; the  
13      acquisition, retention, or use of any real property; or the ap-  
14      plication for or acceptance of any benefit (including any bene-  
15      fit from or authorized by any Federal, State, or municipal  
16      governmental authority, or any entity providing public  
17      services).

18           “(c) Terms and conditions established by the Secretary  
19      under this section may include—

20           “(1) a requirement to pay to the Director a sur-  
21      charge or fee, and

22           “(2) a waiver by a foreign mission (or any as-  
23      signee of or person deriving rights from a foreign mis-  
24      sion) of any recourse against any governmental author-  
25      ity, any entity providing public services, any employee

1 or agent of such an authority or entity, or any other  
2 person, in connection with any action determined by  
3 the Secretary to be undertaken in furtherance of this  
4 title.

5 “(d) For purposes of effectuating a waiver of recourse  
6 which is required under this section, the Secretary may des-  
7 ignate the Director or any other officer of the Department of  
8 State as the agent of a foreign mission (or of any assignee of  
9 or person deriving rights from a foreign mission). Any such  
10 waiver by an officer so designated shall for all purposes (in-  
11 cluding any court or administrative proceeding) be deemed to  
12 be a waiver by the foreign mission (or the assignee of or  
13 other person deriving rights from a foreign mission).

14 “PROPERTY OF FOREIGN MISSIONS

15 “SEC. 205. (a)(1) The Secretary may require any for-  
16 eign mission to notify the Director prior to any proposed ac-  
17 quisition, or any proposed sale or other disposition, of any  
18 real property by or on behalf of such mission. If such a notifi-  
19 cation is required, the foreign mission (or other party acting  
20 on behalf of the foreign mission) may initiate or execute any  
21 contract, proceeding, application, or other action required for  
22 the proposed action—

23 “(A) only after the expiration of the sixty-day  
24 period beginning on the date of such notification (or

1 after the expiration of such shorter period as the Sec-  
2 retary may specify in a given case); and

3 “(B) only if the mission is not notified by the Sec-  
4 retary within that period that the proposal has been  
5 disapproved; however, the Secretary may include in  
6 such a notification such terms and conditions as the  
7 Secretary may determine appropriate in order to  
8 remove the disapproval.

9 “(2) For purposes of this section, ‘acquisition’ includes  
10 any acquisition or alteration of, or addition to, any real prop-  
11 erty or any change in the purpose for which real property is  
12 used by foreign mission.

13 “(b) The Secretary may require any foreign mission to  
14 divest itself of, or forego the use of, any real property deter-  
15 mined by the Secretary—

16 “(1) not to have been acquired in accordance with  
17 this section; or

18 “(2) to exceed limitations placed on real property  
19 available to a United States mission in the sending  
20 State.

21 “(c) If a foreign mission has ceased conducting diplo-  
22 matic, consular, and other governmental activities in the  
23 United States and there is not a protecting power or other  
24 agent designated by the sending State and approved by the

1 Secretary which is responsible for the property of that foreign  
2 mission, the Secretary—

3 “(1) until the designation of a protecting power or  
4 other agent approved by the Secretary, may protect  
5 and preserve any property of that foreign mission; and

6 “(2) may authorize the Director to dispose of such  
7 property at such time as the Secretary may determine  
8 after the expiration of the one-year period beginning on  
9 the date that the foreign mission ceased those activi-  
10 ties, and may remit to the sending State the net pro-  
11 ceeds from such disposition.

12 “LOCATION OF FOREIGN MISSIONS

13 “SEC. 206. (a) In order to ensure the fulfillment of the  
14 international obligations of the United States and fulfillment  
15 of the policy of this title, and to ensure the orderly develop-  
16 ment of the national capital, the location, height, bulk,  
17 number of stories, and size of any building or other real prop-  
18 erty of a foreign mission in the District of Columbia, and the  
19 provision for open space in and around any such building or  
20 other property, shall be subject to approval by the National  
21 Capital Planning Commission (hereafter in this section re-  
22 ferred to as the ‘Commission’). This subsection does not  
23 apply with respect to a building or other real property of a  
24 foreign mission if the Commission determines that the prop-  
25 erty will only be used by a party other than a foreign mission

1 and will only be used for activities that do not involve the  
2 diplomatic, consular, or other governmental activities of a  
3 foreign mission.

4 “(b) Any determination by the Commission pursuant to  
5 subsection (a) of this section which involves approval of the  
6 location of or a use of real property for a chancery, or in-  
7 volves approval of site and building plans for a chancery,  
8 shall be considered rulemaking under section 553 of title 5,  
9 United States Code, and shall be based solely on the follow-  
10 ing criteria:

11 “(1) the Federal interest;

12 “(2) the chancery is in an area (A) of predomi-  
13 nantly office use, (B) of mixed use, including residen-  
14 tial, commercial, office, or institutional use, (C) of  
15 medium or high density residential use, or (D) in rea-  
16 sonable proximity to streets on which existing chancer-  
17 ies are concentrated;

18 “(3) historic preservation (as determined in ac-  
19 cordance with regulations issued by the Commission in  
20 carrying out this section);

21 “(4) the extent to which the area will be served  
22 by public transit to reduce parking requirements;

23 “(5) the extent to which the area will have ade-  
24 quate public facilities, utilities, and services, including

1 streets, street lighting, water, sewer, electricity, tele-  
2 phone, and refuse collection;

3 “(6) the area is capable of being adequately pro-  
4 tected, as determined by a Federal agency authorized  
5 to perform protective services; and

6 “(7) the municipal interest.

7 Any other determination by the Commission with respect to  
8 real property of a foreign mission pursuant to subsection (a)  
9 of this section shall be based solely on the criteria specified in  
10 paragraphs (1), (3), (6), and (7), and such other criteria as the  
11 Commission may by regulation establish.

12 “(c) In any proceeding with respect to real property of a  
13 foreign mission pursuant to subsection (a) of this section—

14 “(1) a determination by the Secretary as to the  
15 Federal interest shall be given substantial weight; and

16 “(2) a determination by the Mayor of the District  
17 of Columbia as to the municipal interest shall be given  
18 substantial weight.

19 “(d) In any proceeding with respect to real property of a  
20 foreign mission pursuant to subsection (a) of this section, the  
21 final determination with respect to approval of a location or  
22 use or approval of site and building plans shall be made not  
23 later than five months after the date of filing an application  
24 for such approval.

1 "PREEMPTION

2 "SEC. 207. Notwithstanding any other provision of law,  
3 no act of any Federal agency or of any State or municipal  
4 governmental authority shall be effective to confer or deny  
5 any benefits with respect to any foreign mission contrary to  
6 this title.

7 "GENERAL PROVISIONS

8 "SEC. 208. (a) The Secretary may issue such regula-  
9 tions as the Secretary may determine necessary to carry out  
10 the policy of this title.

11 "(b) Compliance with any regulation, instruction, or di-  
12 rection issued by the Secretary under this title shall to the  
13 extent thereof be a full acquittance and discharge for all pur-  
14 poses of the obligation of the person making the same. No  
15 person shall be held liable in any court or administrative pro-  
16 ceeding for or with respect to anything done or omitted in  
17 good faith in connection with the administration of, or pursu-  
18 ant to and in reliance on, this title, or any regulation, instruc-  
19 tion, or direction issued by the Secretary under this title.

20 "(c) For purposes of administering this title, the Secre-  
21 tary may—

22 "(1) accept details and assignments of employees  
23 of Federal agencies to the Office of Foreign Missions  
24 on a reimbursable or nonreimbursable basis (with any  
25 such reimbursements to be credited to the appropri-



1        ations made available for the salaries and expenses of  
2        officers and employees of the employing agency); and

3            “(2) obtain without regard to the provisions of  
4        law governing appointments in the competitive service,  
5        by appointment or contract (subject to availability of  
6        funds), the services of individuals to provide technical  
7        and professional services which are not otherwise  
8        available and which are required to carry out the func-  
9        tions of the Director.

10       “(d) Contracts and subcontracts for supplies or services  
11       (except for personal services), made by or on behalf of the  
12       Director, shall be made after advertising, in such manner and  
13       at such times as the Secretary shall determine to be adequate  
14       to ensure notice and opportunity for competition, except that  
15       advertisement shall not be required when (1) the Secretary  
16       determines that it is impracticable or will not permit timely  
17       performance to obtain bids by advertising, or (2) the aggre-  
18       gate amount involved in a purchase of supplies or procure-  
19       ment of services does not exceed \$10,000. Such contracts  
20       and subcontracts may be entered into without regard to laws  
21       and regulations otherwise applicable to solicitation, negotia-  
22       tion, administration, and performance of government con-  
23       tracts. In awarding contracts, the Secretary may consider  
24       such factors as relative quality and availability of supplies or

1 services and the compatability of the supplies or services  
2 with implementation of this title.

3 “(e) The head of any Federal agency may, for purposes  
4 of this title—

5 “(1) transfer or loan any property to, and perform  
6 administrative and technical support functions and  
7 services for the operations of, the Office of Foreign  
8 Missions (with reimbursements to agencies under this  
9 paragraph to be credited to the current applicable ap-  
10 propriation of the agency concerned); and

11 “(2) acquire and accept services from the Office of  
12 Foreign Missions, including (whenever the Secretary  
13 determines it to be in furtherance of the purposes of  
14 this title) acquisitions without regard to laws normally  
15 applicable to the acquisition of services by such  
16 agency.

17 “(f) Assets of or under the control of the Office of For-  
18 eign Missions, wherever situated, which are used by or held  
19 for the use of a foreign mission shall not be subject to attach-  
20 ment, execution, injunction, or similar process, whether inter-  
21 mediate or final.

22 “(g) Except as otherwise provided, any determination  
23 required under this title shall be committed to the discretion  
24 of the Secretary. Except as provided in the first sentence of  
25 section 206(b), actions taken under the authority of this title

1 shall not be considered rulemaking within the meaning of  
2 section 553 of title 5, United States Code.

3 “(h)(1) In order to implement this title, the Secretary  
4 may transfer such amounts available to the Department of  
5 State as may be necessary to the working capital fund estab-  
6 lished by section 13 of this Act.

7 “(2) Notwithstanding any other provision of law, all  
8 revenues, including proceeds from gifts and donations, re-  
9 ceived by the Director or the Secretary in carrying out this  
10 title may be credited to the working capital fund established  
11 by section 13 of this Act and shall be available for purposes  
12 of this title in accordance with that section.

13 “APPLICATION TO PUBLIC INTERNATIONAL ORGANIZA-  
14 TIONS AND OFFICIAL MISSIONS TO SUCH ORGANIZA-  
15 TIONS

16 “SEC. 209. (a) The Secretary may make section 206, or  
17 any other provision of this title, applicable with respect to an  
18 international organization to the same extent that it is appli-  
19 cable with respect to a foreign mission if the Secretary deter-  
20 mines, after consultation with the international organization,  
21 that such application is necessary to carry out the policy set  
22 forth in section 201(b) and to further the objectives set forth  
23 in section 204(b).

24 “(b) For purposes of this section, ‘international organi-  
25 zation’ means—

1           “(1) a public international organization designated  
2       as such pursuant to the International Organizations  
3       Immunities Act (22 U.S.C. 288-288f-2) or other law  
4       authorizing such status; and

5           “(2) an official mission (other than a United  
6       States mission) to such a public international organiza-  
7       tion,  
8       including any real property of such an organization or mis-  
9       sion and including the personnel of such an organization or  
10      mission.

11                   “PRIVILEGES AND IMMUNITIES

12       “SEC. 210. Nothing in this title shall be construed to  
13      limit the authority of the United States to carry out its inter-  
14      national obligations, or to supersede or limit immunities oth-  
15      erwise available by law. No act or omission by any foreign  
16      mission, public international organization, or official mission  
17      to such an organization, in compliance with this title, shall be  
18      deemed to be an implied waiver of any immunity otherwise  
19      provided for by law.

20                   “ENFORCEMENT

21       “SEC. 211. It shall be unlawful for any person to make  
22      available any benefits to a foreign mission contrary to this  
23      title. This section shall be enforceable in any appropriate dis-  
24      trict court of the United States by injunctive or other equita-  
25      ble relief upon application by the Attorney General.

1 "SEVERABILITY

2 "SEC. 212. If any provision of this title or the applica-  
3 tion thereof to any person or circumstance is held invalid, the  
4 remainder of this title and the application of such provision to  
5 any other person or circumstance shall not be affected there-  
6 by."

7 (c) Section 13 of the State Department Basic Authori-  
8 ties Act of 1956 (22 U.S.C. 2684) is amended in the first  
9 sentence by striking out "and" following the semicolon at the  
10 end of clause (3), and by inserting immediately before the  
11 period at the end thereof "; and (5) services and supplies to  
12 carry out title II of this Act".

13 (d)(1) Subparagraph (A) of section 2(1) of the Diplomatic  
14 Relations Act (22 U.S.C. 254a(1)(A)) is amended to read as  
15 follows:

16 "(A) the head of a mission and those members of  
17 a mission who are members of the diplomatic staff or  
18 who, pursuant to law, are granted equivalent privileges  
19 and immunities,".

20 (2) Section 3(b) of such Act (22 U.S.C. 254b) is amend-  
21 ed to read as follows:

22 "(b) With respect to a nonparty to the Vienna Conven-  
23 tion, the mission, the members of the mission, their families,  
24 and diplomatic couriers shall enjoy the privileges and immu-  
25 nities specified in the Vienna Convention."

1       (3) Section 4 of such Act (22 U.S.C. 254c) is amend-  
2 ed—

3               (A) by inserting “the mission, the” immediately  
4 after “immunities for”; and

5               (B) by striking out “of any sending state”.

6       (4) Section 1364 of title 28, United States Code, is  
7 amended by striking out “as defined in the Vienna Conven-  
8 tion on Diplomatic Relations” and inserting in lieu thereof  
9 “within the meaning of section 2(3) of the Diplomatic Rela-  
10 tions Act (22 U.S.C. 254a(3))”.

11       (e) The Act of June 20, 1938 (Public Law 684, Seven-  
12 ty-Fifth Congress; 52 Stat. 797) is amended—

13               (1) in section 6 by striking out “(a)”, and by strik-  
14 ing out subsections (b), (c), (d), and (e); and

15               (2) in section 16 by adding at the end thereof the  
16 following new sentence: “In addition, the provisions of  
17 this Act shall not apply to any real property to which  
18 section 206(a) of the State Department Basic Authori-  
19 ties Act of 1956 (relating to foreign missions) is appli-  
20 cable.”.

## 1 TITLE II—INTERNATIONAL COMMUNICATION

## 2 AGENCY

## 3 SHORT TITLE

4 SEC. 201. This title may be cited as the "International  
5 Communication Agency Authorization Act, Fiscal Years  
6 1982 and 1983".

## 7 AUTHORIZATIONS OF APPROPRIATIONS

8 SEC. 202. There are authorized to be appropriated for  
9 the International Communication Agency \$561,402,000 for  
10 the fiscal year 1982 and \$656,505,000 for the fiscal year  
11 1983 to carry out international communication, educational,  
12 cultural, and exchange programs under the United States In-  
13 formation and Educational Exchange Act of 1948, the  
14 Mutual Educational and Cultural Exchange Act of 1961, and  
15 Reorganization Plan Numbered 2 of 1977, and other pur-  
16 poses authorized by law.

## 17 CHANGES IN ADMINISTRATIVE AUTHORITIES

18 SEC. 203. (a)(1) Title III of the United States Informa-  
19 tion and Educational Exchange Act of 1948 (22 U.S.C.  
20 1451-1453) is amended—

21 (A) in section 301 by striking out "citizen of the  
22 United States" and inserting in lieu thereof "person";  
23 and

24 (B) in sections 302 and 303 by striking out "citi-  
25 zen of the United States" and inserting in lieu thereof

1       “person in the employ or service of the Government of  
2       the United States”.

3       (2) Such title is further amended—

4             (A) in section 301—

5                 (i) by striking out “Secretary” the first place  
6                 it appears and inserting in lieu thereof “Director  
7                 of the International Communication Agency”, and

8                 (ii) by striking out “Secretary” the second  
9                 place it appears and inserting in lieu thereof “Di-  
10                rector”; and

11            (B) in section 303 by striking out “Secretary”  
12            and inserting in lieu thereof “Director of the Interna-  
13            tional Communication Agency”.

14       (3) Section 302 of such Act is amended—

15            (A) in the second sentence by striking out “sec-  
16            tion 901(3) of the Foreign Service Act of 1946 (60  
17            Stat. 999)” and inserting in lieu thereof “section 905  
18            of the Foreign Service Act of 1980”; and

19            (B) in the last sentence by striking out “section  
20            1765 of the Revised Statutes” and inserting in lieu  
21            thereof “section 5536 of title 5, United States Code”.

22       (b) Section 802 of such Act (22 U.S.C. 1472) is amend-  
23       ed—

24            (1) by inserting “(a)” immediately after “Sec.  
25       802.”; and



1           (2) by adding at the end thereof the following new  
2       subsection:

3       “(b)(1) Any contract authorized by subsection (a) and  
4       described in paragraph (3) of this subsection which is funded  
5       on the basis of annual appropriations may nevertheless be  
6       made for periods not in excess of five years when—

7           “(A) appropriations are available and adequate for  
8       payment for the first fiscal year and for all potential  
9       cancellation costs; and

10          “(B) the Director of the International Communi-  
11       cation Agency determines that—

12               “(i) the need of the Government for the  
13       property or service being acquired over the period  
14       of the contract is reasonably firm and continuing;

15               “(ii) such a contract will serve the best inter-  
16       ests of the United States by encouraging effective  
17       competition or promoting economies in perform-  
18       ance and operation; and

19               “(iii) such method of contracting will not  
20       inhibit small business participation.

21       “(2) In the event that funds are not made available for  
22       the continuation of such a contract into a subsequent fiscal  
23       year, the contract shall be canceled and any cancellation  
24       costs incurred shall be paid from appropriations originally  
25       available for the performance of the contract, appropriations

1 currently available for the acquisition of similar property or  
2 services and not otherwise obligated, or appropriations made  
3 for such cancellation payments.

4       “(3) This subsection applies to contracts for the procure-  
5 ment of property or services, or both, for the operation, main-  
6 tenance, and support of programs, facilities, and installations  
7 for or related to telecommunication activities, newswire serv-  
8 ices, and the distribution of books and other publications in  
9 foreign countries.”.

10       (c) Paragraph (16) of section 804 of such Act (22  
11 U.S.C. 1474(16)) is amended by inserting “and security”  
12 immediately after “right-hand drive”.

13       (d) Title VIII of such Act (22 U.S.C. 1471-1475b) is  
14 amended by adding at the end thereof the following new  
15 section:

16               “ACTING ASSOCIATE DIRECTORS

17       “SEC. 808. If an Associate Director of the International  
18 Communication Agency dies, resigns, or is sick or absent, the  
19 Associate Director's principal assistant shall perform the  
20 duties of the office until a successor is appointed or the  
21 absence or sickness stops.”.

22       (e) Title VIII of such Act is further amended by adding  
23 at the end thereof the following new section:

1           “COMPENSATION FOR DISABILITY OR DEATH

2           “SEC. 809. A cultural exchange, international fair or  
3 exposition, or other exhibit or demonstration of United States  
4 economic accomplishments and cultural attainments, pro-  
5 vided for under this Act or the Mutual Educational and Cul-  
6 tural Exchange Act of 1961 shall not be considered a ‘public  
7 work’ as that term is defined in the first section of the Act of  
8 August 16, 1941 (42 U.S.C. 1651; commonly known as the  
9 Defense Base Act).”.

10          (f) Section 1011(h) of such Act (22 U.S.C. 1442(h)) is  
11 amended by adding at the end thereof the following new  
12 paragraph:

13          “(4) Section 701(a) of this Act shall not apply with  
14 respect to any amounts appropriated under this section for  
15 the purpose of liquidating the notes (and any accrued interest  
16 thereon) which were assumed in the operation of the informa-  
17 tional media guaranty program under this section and which  
18 were outstanding on the date of enactment of this  
19 paragraph.”.

20 DISTRIBUTION WITHIN THE UNITED STATES OF THE FILM  
21 ENTITLED “REFLECTIONS: SAMUEL ELIOTT MORI-  
22 SON”

23          SEC. 204.(a) Notwithstanding the second sentence of  
24 section 501 of the United States Information and Educa-  
25 tional Exchange Act of 1948 (22 U.S.C. 1461)—

1           (1) the Director of the International Communica-  
2           tion Agency shall make available to the Administrator  
3           of General Services a master copy of the film entitled  
4           "Reflections: Samuel Eliott Morison"; and

5           (2) the Administrator shall reimburse the Director  
6           for any expenses of the Agency in making that master  
7           copy available, shall secure any licenses or other rights  
8           required for distribution of that film within the United  
9           States, shall deposit that film in the National Archives  
10          of the United States, and shall make copies of that film  
11          available for purchase and public viewing within the  
12          United States.

13          (b) Any reimbursement to the Director pursuant to this  
14          section shall be credited to the applicable appropriation of the  
15          International Communication Agency.

16           TITLE III—BOARD FOR INTERNATIONAL  
17           BROADCASTING

18           SHORT TITLE

19          SEC. 301. This title may be cited as the "Board for  
20          International Broadcasting Authorization Act, Fiscal Years  
21          1982 and 1983".

22           AUTHORIZATIONS OF APPROPRIATIONS

23          SEC. 302. Subparagraph (A) of section 8(a)(1) of the  
24          Board for International Broadcasting Act of 1973 (22 U.S.C.  
25          2877(a)(1)(A)) is amended to read as follows:

1           “(A) \$100,300,000 for the fiscal year 1981,  
2       \$98,317,000 for the fiscal year 1982, and  
3       \$115,031,000 for the fiscal year 1983; and”.

4       **TITLE IV—MISCELLANEOUS PROVISIONS**

5                       **INTER-AMERICAN FOUNDATION**

6       SEC. 401. (a) The first sentence of section 401(s)(2) of  
7 the Foreign Assistance Act of 1969 (22 U.S.C. 290f(s)(2)) is  
8 amended by striking out “\$25,000,000 for each of the fiscal  
9 years 1979 and 1980” and inserting in lieu thereof  
10 “\$12,000,000 for the fiscal year 1982 and \$20,000,000 for  
11 the fiscal year 1983”.

12       (b) Section 401(h) of that Act (22 U.S.C. 290f(h)) is  
13 amended by striking out “actual and necessary expenses not  
14 in excess of \$50 per day, and for transportation expenses”  
15 and inserting in lieu thereof “travel expenses, including per  
16 diem in lieu of subsistence, in accordance with section 5703  
17 of title 5, United States Code”.

○